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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/781,278

02/18/2004

S. V. Sreenivasan

PA95-37D13

2060

87606 7590 02/16/2011
U.T. Systems Board of Regents c/o MII
P.O. Box 81536
Austin, TX 78708-1536

EXAMINER

LUK, EMMANUEL S

ART UNIT

PAPER NUMBER

1744

MAIL DATE

DELIVERY MODE

02/16/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte S.V. SREENIVASAN, BYUNG J. CHOI,
MATTHEW COLBURN and TODD BAILEY

Appeal 2010-001106
Application 10/781278
Technology Center 1700

Before BRADLEY R. GARRIS, TERRY J. OWENS, and
MICHAEL P. COLAIANNI, *Administrative Patent Judges*.

GARRIS, *Administrative Patent Judge*.

DECISION ON APPEAL¹

Appellants appeal under 35 U.S.C. § 134 from the Examiner's decision rejecting claims 1-20 under 35 U.S.C. § 102(b) as anticipated by Chou, U.S. Patent 5,772,905 (June 30, 1998). We have jurisdiction under 35 U.S.C. § 6.

We AFFIRM.

Appellants claim a template comprising an original pattern having original features with original dimensions (claim 1).

Representative claim 1 reads as follows:

1. A template to form a recorded pattern on a substrate from a conformable material disposed between said template and said substrate, with said recorded pattern having recorded features with designed dimensions; said template comprising:
an original pattern having original features with original dimensions, with said original dimensions differing from said designed dimensions sufficient to compensate for volumetric changes of said conformable material that occurs upon said conformable material transitioning between first and second states.

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

We sustain the Examiner's § 102 rejection for the reasons well stated in the Final Office Action (FOA 2-3) and the Answer (Ans. 3-5). We add the following comments for emphasis.

Appellants argue that Chou contains no teaching of the independent claim 1 recitation "with said original dimensions differing from said designed dimensions sufficient to compensate for volumetric changes of said conformable material that occurs upon said conformable material transitioning between first and second states" and the corresponding recitation of independent claims 9 and 17 (Br. 4-7).

In both the Final Office Action (FOA 2-3) and Answer (Ans. 3-5), the Examiner has explained that such recitation is directed to the material worked upon by the template during its intended use and that such recitation does not further limit the structure of the template. Moreover, the Answer (Ans. 4) cites legal authority in support of the Examiner's position that the claimed template is not further limited by such recitation. Significantly, Appellants do not even acknowledge much less identify error in this explanation and legal authority. As a consequence, the fundamental basis for the Examiner's § 102 rejection has not been contested with any reasonable specificity in the record of this appeal.

The decision of the Examiner is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED

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